

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

JAMES L. ROGERS,)	
)	
)	
Plaintiff,)	
)	
v.)	No. 05-3218-CV-S-DW
)	
SMURFIT-STONE CONTAINER)	
ENTERPRISES, INC., et al.,)	
)	
Defendants.)	

ORDER

The record reflects that Plaintiff filed the Complaint in the above-styled action on May 20, 2005. (Doc. No. 1.) Since that date, however, Plaintiff has not served the defendant. Because over 120 days have passed since the Complaint was filed, the Court dismisses without prejudice this case for lack of service. See FED. R. CIV. P. 4(m).

/s/ DEAN WHIPPLE
Dean Whipple
United States District Judge

Date: October 4, 2005